

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOHN MENDOZA,

Plaintiff,

v.

G. MATTESON, et al.,

Defendants.

No. 2:22-CV-1136-KJM-DMC-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On August 2, 2024, the Magistrate Judge filed findings and recommendations, which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge's analysis.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations filed August 2, 2024, ECF No. 14, are adopted in full.
2. This action shall proceed on Plaintiff's first amended complaint as to the following claims and defendants:
  - a. Plaintiff's First Amendment claim against Defendant Deberry, who allegedly denied Plaintiff his right to send and receive mail and his right to telephone calls in 2020.
  - b. Plaintiff's Eighth Amendment conditions-of-confinement claims against Defendants Muhammed, Stewart, Peterson, Deberry, Khim, Tyler, and Matteson with respect to COVID-19 sanitation and implementation of a "safe zone" policy between 2020 and 2022.
3. All other claims and defendants are dismissed for failure to state a claim.
4. This matter is referred back to the assigned Magistrate Judge for further proceedings.

DATED: January 30, 2025.



UNITED STATES DISTRICT JUDGE